



**DeWitt County
Department of Zoning and Planning**

Dewitt County Building
P. O. Box 439
Clinton, IL 61727-0439
Phone 217-935-7775
zoning@dewittcountyil.gov

***A SUMMARY OF THE
REQUIREMENTS AND PROCEDURES FOR FILING
APPLICATIONS FOR VARIANCE***

1. Please refer to Page 4 of the application form for details as to the meaning of the term “variance”, the intent of the variances and the general instances when the granting of a variance may be warranted and instances when a variance may not be approved.
2. Before any application for variance can be processed and placed on the Zoning Board’s agenda hearing, you must complete the application. The application has three (3) parts. The first part provides space for the name of the owner and applicant; it also contains a list of questions which affords you the opportunity to explain in detail what it is you are requesting, why you are requesting it and its affect upon the area if it were to be granted. The second part is completed by filling in the names and addresses of all owners of property within 250 feet of your property. Usually you can obtain these names and addresses by visiting the Supervisor of Assessments Office which is located in the County Building. The third part requires you to draw a plot plan or site plan showing all existing facilities and those facilities you wish to add if your variance application is successful.
3. Along with the completed application, you will be required to pay a filing fee. This fee is established by the County Board and is assessed according to the fee schedule. You will also be required to pay the cost of publishing the notice of the hearing in the newspaper. The Administrator will mail a copy of the statement to you a week or so before the hearing. This fee should be paid directly to the newspaper. The amount shown on that notice must be paid prior to the hearing date or your request may be continued to a later meeting. *The filing fee is nonrefundable.*
4. Your completed application and the filing fee are submitted to the Administrator.
5. The Administrator will forward your application to the members of the Zoning Board of Appeal to review.
6. The Administrator will set the date, time and place of the hearing, make the necessary arrangements to have the required public notice published in the newspaper; provide you with a copy of the notice of hearing, and send courtesy notices to all owners of property within 250' of the property in question.
7. At the scheduled time the Zoning Board will hold the public hearing. It is advisable that you be present at the hearing. Failure to appear may cause your application to be continued to a

future meeting or dismissed. You may however decide to appear by a representative specifically designated by you to speak on your behalf. You may also appear with or be represented by an attorney. If you will appear with or be represented by an attorney, you are required to file that individual's name, business address and daytime telephone number as part of your application.

8. At the public hearing, the Zoning Board may approve your variance request, approve it with conditions attached, or deny the request.

9. At least four (4) affirmative votes of the Zoning Board are required to approve any variance.

10. Any interested party to the hearing may appeal the decision of the Zoning Board. This appeal is made to the County Board. It must be made in writing and be filed with the County Clerk. The appeal must be made within ten (10) days of the decision by the Zoning Board.

11. In formalizing your presentations before the Zoning Board, it is important for you to understand that the County is NOT required to approve your request. The decision on whether your application is approved is *in part* dependent upon the evidence you present. The burden of proof is your responsibility. Although there are many other factors which may affect the final outcome of your request, it is important that you be prepared to offer testimony, present exhibits and provide factual information on the reasons for your request and its affect on your area. You may wish to appear with persons who can provide testimony which backs your position. You may want to present photographs, use overheads or show a videotape as part of your testimony. If you should need video equipment at the Zoning Board hearing you must provide the Department a few days notice prior to the hearing date.

PLEASE NOTE THAT WE IN THE DEPARTMENT CANNOT COMPLETE THE APPLICATION FOR YOU. WE LIKEWISE CANNOT PROVIDE YOU WITH LEGAL ADVICE. HOWEVER, WE CAN EXPLAIN THE PROCESS AND THE PROCEDURES WHICH WILL BE FOLLOWED.

IF YOU HAVE ANY QUESTIONS CONCERNING THE APPLICATION OR THE PROCESS INVOLVED DO NOT HESITATE TO THE CONTACT THE DEPARTMENT FOR ASSISTANCE.

Dated 13 July 2020

DEWITT COUNTY ZONING BOARD OF APPEALS

DEPARTMENT OF ZONING AND PLANNING
DEWITT COUNTY BUILDING
201 WEST WASHINGTON STREET, P.O. BOX 439
CLINTON, ILLINOIS 61727-0439
217.935.7775

APPLICATION FOR VARIATION (Part 1)

THIS SPACE RESERVED FOR DEPARTMENT USE

Date Filed _____		Variation Case # _____
Fee Amount _____	Date Paid _____	Check # _____
Comments: _____		

NOTICE TO THE APPLICANT: Supply answers to all of the questions which apply.

A *VARIATION* is hereby requested in conformity with the powers vested in the Zoning Board of Appeals to permit or grant the following (*please explain the nature of the variance you are requesting*): _____

The *VARIATION* is requested to be granted for construction which is proposed on the following described property (*you may attach the legal description as a separate sheet*):

The address of this property is _____

Its common location is: _____

The present use of this property is: _____

What is the property currently zoned? _____

Were any permit applications made which are relative to this request? Yes _____ No _____

If yes, were there any appeals made with regard to that application? Yes _____ No _____

Applicant's Name _____

Applicant's Address _____

Applicant's Daytime Telephone Number _____

Owner's Name _____

Owner's Address _____

Owner's Daytime Telephone Number _____

Applicant's Interest In The Property _____

* * * * *

Before completing the following questions, please read the *NOTICE TO APPLICANTS*, which is located on Page 4 of this application.

The following questions are based on criteria established by County Code and Illinois courts. The intent of these questions is not only to determine the conditions which may apply to your property and whether these conditions may warrant the granting of a variance, but also to assist you in adequately presenting the facts and other information to the members of the Zoning Board and other interested persons prior to the required public hearing. The answers which you supply to these questions are used as one source of information to acquaint the Zoning Board and others to the conditions which you intend to address at the hearing.

Not all of the following questions will apply to all conditions. You need only complete those questions which are applicable to your request. The questions must be answered completely. If additional space is needed you may use the reverse side or attached extra pages to this application.

REASONS FOR YOUR REQUEST FOR VARIATION

- 1) What characteristics of your property prevent its being used for any of the uses permitted in your zoning district?

Too small _____ Visibility _____ Soils _____
Too shallow _____ Slope _____ Subsurface _____
Too narrow _____ Shape _____ Other _____

- 2) Describe in detail those items checked above. Provide distances, dimensions, etc. where appropriate. _____

- 3) How do the above site conditions prevent you from reasonably using your property for purposes contained in the Zoning Code? _____

- 4) To the best of your knowledge, can you affirm and under oath state that the hardship described above was not created by an action of anyone having property interests in this property after the adoption of the Zoning Code, or any amendment to the Code?
YES _____ NO _____ If you answered "NO," explain why the hardship should not be regarded as self-imposed? (NOTE! Self-imposed hardships are not entitled to variations.)

- 5) Are the conditions on your property the result of other man-made changes, such as the relocation of a road or highway? YES _____ NO _____

6) Which of the following modifications will allow you a reasonable use of your land?

A Change in:

Setback requirements _____	Change in off-street parking spaces _____
Side yard restrictions _____	Lot coverage requirements _____
Area requirements _____	Other (specify) _____

7) Explain the variance which is being requested, giving distances, dimensions, etc., where appropriate. _____

8) Are the conditions surrounding your request for variation true only of your property or are they present on other properties located in the same zoning district? YES _____ NO _____
If these conditions are present on other properties please explain. _____

9) If this variance is granted to the extent that you have requested, will it be in harmony with the neighborhood and not adversely affect other nearby properties? YES _____ NO _____
Please elaborate: _____

10) Are you requesting this variance so as to increase the value or income potential of the property? YES _____ NO _____

11) If this variance were to be granted would it cause detriment to the public or impede the enjoyment of other properties in the vicinity the subject property? YES _____ NO _____

12) If this variance is granted as requested will the supply of light or air to adjacent property be restricted? YES _____ NO _____

13) Will the granting of this variance increase the amount of traffic in the area? YES _____ NO _____

14) Will the granting of this variance create any hazards to the motoring public or to pedestrians in the area? YES _____ NO _____

15) If this variance is granted will the danger of fire be increased? YES _____ NO _____

16) Will the granting of this variance diminish or impair the value of other properties near to or in the general area of the subject property? YES _____ NO _____

NOTICE TO APPLICANTS

A variance is a zoning adjustment which allows *minor* changes of certain district regulations where it is shown that both harsh and unique circumstances exist on an individual property if a strict application of the law were imposed. The Zoning Board's power to grant variances is restricted and the degree of variation is limited to the minimum change necessary to overcome the burdens which are found in the property. Please be aware that so called "use variances" are specifically prohibited.

The term "variance" or "variation" means the minor modification of a particular zoning district's regulations as they relate to a particular property. The term does not include the substitution of uses assigned to other districts.

1. A variance recognizes that the same district regulations do not affect all properties equally. The variance procedure was established to allow minor changes from such requirements as minimum setbacks, number of parking spaces, height of buildings, etc. The procedure is intended to allow properties which are at a disadvantage through some demonstrative hardship to enjoy equal opportunities with properties similarly zoned. A variance may not be granted for convenience. You must prove that your property is affected by special circumstances or unusual conditions. These must result in uncommon hardships and unequal treatment under the strict application of the Zoning Code. Where hardship conditions extend to other properties, a variance may not be granted. The remedy for general hardship or practical difficulties is the filing of an application for a change of zoning district or an amendment to the text of the Code.

2. You must prove that the combination of the Zoning Code and the uncommon conditions present on your property prevent you from making or enjoying any reasonable use of your property as permitted in the present zoning district. Since zoning regulates land use and not people, the following conditions cannot be considered pertinent to any application for a variance:

- a. that the variance would increase the financial gain or return from the land;
- b. personal hardship, desire, or convenience;
- c. situations or conditions which have been or are self-imposed.

In the case of (c) above, the recognition of conditions created after the enactment of the Code or subsequent amendment thereto, would encourage people to violate the provisions of the law and would condone such violations.

3. Variances will not be granted which would adversely affect surrounding or nearby properties. All variances must be in harmony with the intent and purposes of the Zoning Code.

I/We hereby certify that to the best of our knowledge and belief all statements and information submitted in this APPLICATION FOR VARIATION and any attachments, papers or plans submitted herewith are true, correct and complete. By our signatures below I/We consent to the entry in or upon the premises described in this Application by the Administrator or any authorized official of the County of DeWitt, IL, for those purposes relating to that applied for herein.

Signature of Applicant Date

Signature of Owner Date

Signature of Applicant Date

Signature of Owner Date

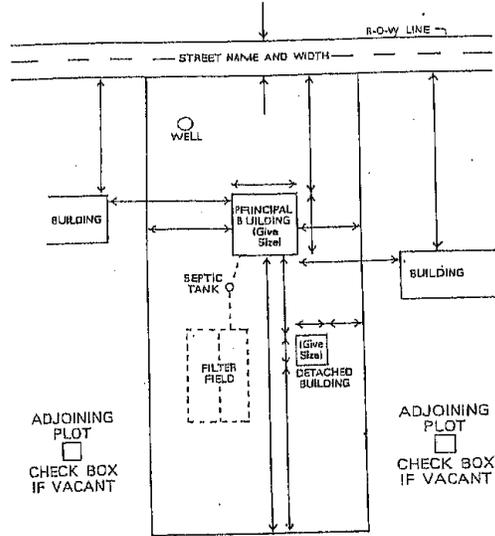
PLOT PLAN

IMPORTANT DATA REQUIRED.

1. Show all lot dimensions, lot size, and lot shape.
2. Show all utilities, easements, buildings, and water-courses.
3. Locate all buildings/structures on lot with dimensions of each to the property lines and road right-of-ways.
4. Show all buildings within 100 feet of your lot line on either side.
5. Show proposed structures, accessways, parking areas, loading and unloading areas, sign location, location of well and sewage disposal system, utility plan, and surface drainage.
6. State if your facility is existing or proposed.
7. Show profile of ground surface, whether flat, or direction of slope(s).
8. Arrow indicating NORTH direction.

NOTE: Approval for sewage disposal system must be obtained from the DeWitt County Health Department before a permit will be issued by the Zoning Department for construction or for occupancy.

PLEASE type or use pressure when writing to insure duplication.



EXAMPLE

SKETCH YOUR PLOT PLAN BELOW BY SUPPLYING COMPLETE INFORMATION

(Note Example Above)

PERMIT NO. _____ No deviation from Plot Plan below unless approved by the Department.

FOR SIGNS: In addition to items 1-8, applicable above, record hereon, exactly, the wording as it will appear on the sign face. Supply dimensions of sign, and whether it will be single or double faced. NO FLASHING LIGHTS ARE PERMITTED.